

REMARKS

Claims 1, 9, 23, 27, 28, 31, 32, 39 and 53 have been amended. Claims 1, 2, 4, 7, 9-20, 23, 26-32, 34, 37, 39-50, 53, and 56-60 are in the application. No claim is allowed.

Claims 1, 2, 4, 7, 13-15, 31, 32, 34, 37 and 43-45 are rejected under 35 USC 103(a) as unpatentable over Walker et al (“Walker,” of record) in view of Breeding (US 5,472,194) and McCrea, of record. This rejection is respectfully traversed.

Walker does not disclose the storage of intermediary game outcomes (as distinguished from final game outcomes) as part of the set of game outcomes used to award a progressive bonus. The examiner states that in Walker, if the object is to accumulate 100 lemons, a game in which the first lemon is obtained is an “intermediary game outcome.” Applicant disagrees. When that first game is complete and the first lemon shows on the final reels, that is the *final* game outcome that is stored. There is no intermediary game outcome. Similarly, in Breeding, the participating player’s *final* poker hand of the game is stored. See col. 3, lines 39-59. The intermediate draw hand, an intermediary outcome, is not stored and is not the basis for awarding the progressive bonus. McCrea does not remedy these deficiencies. In McCrea, the dealer going bust is a *final* outcome of a blackjack game. An example of an intermediary outcome of a game is the initially dealt hand in a draw poker game where the player may discard card some cards and obtain some new cards. See par. [0058], lines 9-12 of the present application in its published version US 2005/0037841 A1.

Accordingly, a *prima facie* case has not been established and withdrawal of the rejection is respectfully requested.

Claims 9-12 and 39-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Walker, Breeding and McCrea and further in view of Mullins (US 6,210,276). This rejection is respectfully traversed. Mullins does not store and base a progressive award based on intermediary results of a game played by a player participating in the progressive jackpot game. Accordingly, Mullins does not remedy the deficiencies of Walker, Breeding and McCrea discussed above. Therefore, it is submitted that the combination of references does not form a *prima facie* case against claims 9-12 and 39-42 and the rejection should be withdrawn.

Claims 16-20, 23, 26-30, 46-50, 53 and 56-60 are rejected under 35 USC 103(a) as being unpatentable over Walker in view of McCrea and Celona (US 5,564,700). This rejection is

respectfully traversed. Celona does not store and base a progressive award based on intermediary results of a game played by a player participating in the progressive jackpot game. Accordingly, Celona does not remedy the deficiencies of Walker and McCrea discussed above. Therefore, it is submitted that the combination of references does not form a *prima facie* case against the rejected claims and the rejection should be withdrawn.

In view of the above, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited. Should the examiner believe that minor matters still remain that can be resolved in a telephone interview, the examiner is urged to call applicants' undersigned attorney.

Applicants hereby petition for any additional extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this amendment is to be charged to Deposit Account No. 504480 (Order No. IGT1P507).

Respectfully submitted,
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